

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

HENRY (NMN) MARTIN, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:04-1169

NORFOLK SOUTHERN RAILWAY COMPANY
a/k/a NORFOLK SOUTHERN CORPORATION,

Defendant/Third-Party Plaintiff,

v.

SECOND STERLING CORPORATION, BLUESTONE
COAL CORPORATION, and KEYSTONE SERVICE
INDUSTRIES,

Third-Party Defendants.

JUDGMENT ORDER

For the reasons discussed in its Memorandum Opinion filed today, it is hereby **ORDERED**:

1. The third-party defendants' motion for summary judgment (Doc. No. 22) is **GRANTED**, and the third-party plaintiff's motion for summary judgment (Doc. No. 40) is **DENIED**.
2. The Clerk is directed to remove this action from the docket and to mail certified copies of this Judgment Order and copies of the court's Memorandum Opinion to counsel of record.

It is **SO ORDERED** this 30th day of March, 2006.

ENTER:



David A. Faber
Chief Judge